

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CAROLINE NERO, individually)	
and on behalf of JASMINE NERO)	
and CHRISTIAN COPERLAND,)	
minor children,)	8:05CV86
)	
Plaintiffs,)	
)	
v.)	MEMORANDUM AND ORDER
)	
OMAHA HOUSING AUTHORITY and)	
BRAD ASHFORD,)	
)	
Defendants.)	

Plaintiff has moved for a continuance of the trial and other relief. The motion recites the efforts made by plaintiff to complete discovery allowed by the court's order of March 17, 2006, filing 83. Failing to complete planned discovery is generally not a reason justifying a continuance of a trial, and in this case plaintiff waited nearly a month after entry of the order to commence the discovery which to date apparently still has not been completed. In addition, plaintiff's observation that the case "can be appropriately resolved by partial summary judgment" is not a showing that the court should allow the filing of such a motion long after the deadline for doing so (May 31, 2006) has passed. It also does not explain how a "partial" summary judgment could be case dispositive. I shall grant the motion to continue the trial, as the defendants do not oppose it, but no motions for summary judgment will be permitted. I shall also deny the request for another pretrial conference, as there has been no showing that the requirements of paragraph 3 of the order of March 17, 2006 have been completed.

IT THEREFORE HEREBY IS ORDERED,

The motion, filing 90, is granted in part, and trial is continued to 9:00 a.m. on September 11, 2006 before the Honorable Richard G. Kopf in Courtroom 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Trial is subject to the prior disposition or continuance of any criminal matters which may be set for that week. Jury selection will be held at commencement of trial. The motion is denied in all other respects.

DATED this 1st day of August, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge